

31 JAN 2005



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Volpe and Koenig, P.C.
Suite 400, One Penn Center
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

In re Application of	:	
Lehmann et al	:	DECISION ON RENEWED
Application No.: 10/009131	:	
PCT No.: PCT/EP00/03860	:	
Int. Filing Date: 28 April 2000	:	PETITION UNDER
Priority Date: 06 May 1999	:	
Attorney's Docket No.: SMB-PT036	:	
For: DEVICE FOR PERFORMING ANALYSES	:	37 CFR 1.47(a)
ON CELL-CULTURES	:	

This decision is in response to applicant's " SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 13 November 2003 in response to a decision by this Office dated 30 September 2003.

BACKGROUND

The decision by this Office dated 30 September 2003 indicated that requirements (2)-(4) had not been satisfied. In addition, the decision stated that the Declaration provided was defective since it was not complete.

On 13 November 2003, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by all the inventors.

DISCUSSION

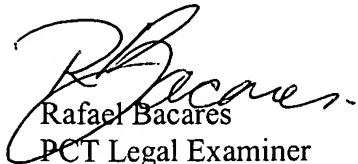
The second renewed petition states subsequent to the date of the Decision, Bernhard Wolf, executed a declaration. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 13 November 2003 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **13 November 2003**



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



Leonard Smith

PCT Legal Examiner

PCT Legal Office